

00-R-1265

(Do Not Write Above This Line)

A RESOLUTION

BY PUBLIC SAFETY AND LEGAL
ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING
PAYMENT IN THE AMOUNT OF
\$7,273.23 IN SETTLEMENT OF THE
CLAIM OF CAMILLA KINSEY
AGAINST THE CITY OF ATLANTA

APPROVED BY:

Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

ADOPTED BY

- ☐ CONSENT REFER SEP 0 5 2000
☐ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & COUNCIL
☐ PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair C. J. Newell
Referred to _____

Committee <u>P.S. & L.H.</u>	Committee _____
Date <u>8/15/00</u>	Date _____
Chair <u>C. J. Newell</u>	Chair _____
Action: Fav, Adv, Hold (see rev. side) Other: _____	Action: Fav, Adv, Hold (see rev. side) Other: _____
Members <u>Michael R. Smith</u> <u>Robert J. Newell</u>	Members _____
Refer To _____	Refer To _____

Committee _____	Committee _____
Date _____	Date _____
Chair _____	Chair _____
Action: Fav, Adv, Hold (see rev. side) Other: _____	Action: Fav, Adv, Hold (see rev. side) Other: _____
Members _____	Members _____
Refer To _____	Refer To _____

FINAL COUNCIL ACTION

- ☐ 2nd ☐ 1st & 2nd ☐ 3rd
Readings
☒ Consent ☐ V Vote ☐ RC Vote

CERTIFIED

CERTIFIED
SEP 5 2000
Rosalind Rubens Newell
MUNICIPAL CLERK

CERTIFIED
SEP 0 5 2000
Rosalind Rubens Newell
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

SEP 1 4 2000

WITHOUT SIGNATURE
BY OPERATION OF LAW



A RESOLUTION

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

00-*R*-1265

**A RESOLUTION AUTHORIZING PAYMENT IN THE
AMOUNT OF \$1,155.00 IN SETTLEMENT OF THE CLAIM
OF JOYCE R. DEWBERRY AGAINST THE CITY OF
ATLANTA**

WHEREAS, Joyce R. Dewberry has filed a claim against the City of Atlanta seeking damages arising from a City tree falling and damaging her vehicle; and

WHEREAS, Ms. Dewberry contacted the City on October 10, 1997 to report a dead right-of-way tree. The assistant City arborist inspected the tree and turned in a work order for the removal of the tree to the Forestry Division, however the tree was never removed. On January 23, 2000 the tree fell and damaged Ms. Dewberry's vehicle; and

WHEREAS, the City of Atlanta was on notice of said nuisance and yet the City failed to abate said nuisance; and

WHEREAS, inasmuch as the facts disclosed indicate said claim is not based on a claim of negligence, but is a nuisance which is not subject to a defense of sovereign immunity under the laws of the State of Georgia; and

WHEREAS, the claimant has asserted damages in the amount of \$1,155.00 has agreed to accept this sum in full and complete satisfaction and settlement of his claim against the City of Atlanta; and

WHEREAS, the City Attorney has recommended that the claim of Joyce R. Dewberry be settled for the sum of \$1,155.00.

THEREFORE, BE IT RESOLVED that the Council of the City of Atlanta, Georgia that \$1,155.00 be paid by the City of Atlanta in satisfaction of any and all claims Joyce R. Dewberry may have stemming from damages sustained to her vehicle on January 23, 2000 at 2346 Herring Road, SW and that the City Attorney prepare the appropriate releases.

BE IT FURTHER RESOLVED that the Chief Financial Officer be and hereby authorized to pay the above mentioned sum from account number 1A01/529017/T31001.

A true copy,

Rhonda Daughlin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
RETURNED WITHOUT SIGNATURE OF THE MAYOR
APPROVED as per City Charter Section 2-403

SEP 05, 2000

SEP 14, 2000



DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0085

Date: August 4, 2000

Claimant /Victim JOYCE R. DEWBERRY

BY: (Atty)(Ins. Co.) _____

Address: 2346 Herring Road, SW, Atlanta, Georgia 30311

Subrogation: _____ Claim for Property damage \$ 1,155.00 Bodily Injury \$ _____

Date of Notice: 02/17/00 Method: Written, proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 01/23/00 Place: 2346 Herring Road, SW

Department PRCA Division: Parks

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant's vehicle was damaged when a tree located in the City's right-of-way fell onto same. The City received notice of the hazardous condition of the tree three years before the tree fell and failed to remove said tree.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____

Pictures _____ Diagrams _____ Reports: Police X Dept Report X Other _____

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____

Improper Notice _____ More than Six Months _____ Other X Damages reasonable X

City not involved _____ Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent X Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ 1,155.00 Adverse _____ Account charged: 1A01 X 2J01 _____ 2H01 _____

Claims Manager:  Concur/date 08-27-00

Committee Action: _____ Council Action _____



COUNCIL OF THE CITY OF ATLANTA
CLERK OF COUNCIL

City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

FEB 17

RE: CLAIM FOR DAMAGES

Jordan
02/21/00

Today's Date: 2-14-2000
ENTERED - 2-22-00 - SB
00L0085 - DOBBS JORDAN

02-17-00P04:11 RCV

Dear Clerk of Council:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ _____ property and/or \$ _____ bodily injury for which I contend the City is liable.

1. Date of incident: _____
(month/day/year)
2. Police called: _____
Yes No
3. Location of incident: _____
4. Name of your insurance company: _____ Policy No. _____
5. State what and how incident occurred: _____

6. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

7. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: Chev Celebrity 88 964MPZ Joyce R. Newberry
(make) (year) (tag number) (driver's name)

City vehicle: IN January 23, 2000, at 4: A.M a tree on City property caused damage
(make) (City driver's name) (department/bureau)

8. Witness: Allamus Hardy 2338 Herring Rd. S.W Atlanta, Ga. 30311-2819
(name) (address) (telephone number)

9. The acknowledgement of this claim in no way waives the Governmental immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

10. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Joyce R. Newberry
(claimant's name)
2346 Herring Rd. S.W.
(address)
Atlanta, Ga 30311
(city and state)
404 346-2516 404 756-0502
(work number) (home number)

RCS# 2194
9/05/00
2:17 PM

Atlanta City Council

Regular Session

CONSENT

Pages: 1-12

Adopt

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 0

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

Y McCarty	Y Dorsey	Y Moore	Y Thomas	ITEM (S) REMOVED FROM <u>CONSENT AGENDA</u> 00-O-1007 00-R-1309
Y Starnes	NV Wooldard	Y Martin	Y Emmons	
NV Bond	Y Morris	Y Maddox	Y Alexander	
Y Winslow	Y Muller	Y Boazman	NV Pitts	

CONSENT

09/05/00 Council Meeting	
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSED ON CONSENT AGENDA
<ol style="list-style-type: none"> 1. 00-O-1102 2. 00-O-1143 3. 00-O-1207 4. 00-O-1295 5. 00-O-1303 6. 00-O-1313 7. 00-O-1124 8. 00-O-1125 9. 00-O-1126 10. 00-O-1127 11. 00-O-1128 12. 00-O-1133 13. 00-O-1196 14. 00-O-1298 15. 00-O-1122 16. 00-O-1300 17. 00-R-1198 18. 00-R-1230 19. 00-R-1290 20. 00-R-1312 21. 00-R-1316 22. 00-R-1265 23. 00-R-1266 24. 00-R-1267 25. 00-R-1268 26. 00-R-1270 27. 00-R-1314 28. 00-R-1229 29. 00-R-1233 30. 00-R-0886 31. 00-R-1236 32. 00-R-1237 33. 00-R-1238 34. 00-R-1239 35. 00-R-1240 36. 00-R-0241 37. 00-R-1242 38. 00-R-1243 39. 00-R-1244 	<ol style="list-style-type: none"> 40. 00-R-1235 41. 00-R-1245 42. 00-R-1246 43. 00-R-1247 44. 00-R-1248 45. 00-R-1249 46. 00-R-1250 47. 00-R-1251 48. 00-R-1252 49. 00-R-1253 50. 00-R-1254 51. 00-R-1255 52. 00-R-1256 53. 00-R-1257 54. 00-R-1258 55. 00-R-1259 56. 00-R-1260 57. 00-R-1261 58. 00-R-1262 59. 00-R-1263 60. 00-R-1264